

involvement of Mr. Nussbaum in the hiring of Mr. Livingstone, and the evidence strongly suggests that Mr. Foster was primarily responsible for hiring Mr. Livingstone. Furthermore, Mr. Livingstone's memoranda to individuals in the White House Counsel's Office, describing the operations and his role, suggest that he was already in place before Mr. Kennedy arrived and that he had been slated to run OPS.

Mr. Nussbaum's role was limited to a brief encounter with Mr. Livingstone at which time he introduced him to Ms. Mills who described OPS's responsibilities to him. Mr. Nussbaum relied on Mr. Kennedy and Mr. Foster regarding Mr. Livingstone's final appointment. The circumstances surrounding Mr. Livingstone's appointment do not suggest Mr. Nussbaum's or Mrs. Clinton's involvement in or knowledge of those circumstances.

B. Even Assuming That Mr. Livingstone and Mr. Kennedy Told Others of Mrs. Clinton's Involvement in the Hiring of Mr. Livingstone, There Is No Other Evidence, Except the Insert, of Such Involvement or Any Relationship Between Mrs. Clinton and Mrs. Livingstone.

Having concluded that there was no direct evidence of a discussion between Mrs. Clinton and Mr. Nussbaum regarding Mr. Livingstone or that Mr. Nussbaum "kn[ew] who brought Mr. Livingstone into the White House," the Independent Counsel also concluded that no personal relationship existed between Mrs. Clinton and Mrs. Livingstone that might have formed a basis for Mrs. Clinton's involvement in hiring Mr. Livingstone. Even assuming that Mr. Kennedy and Mr. Livingstone both told Agent